

May 24, 2013

To: Executive Board

Subject: **2013 Legislative Summary**

Recommendation

Receive and file the May 2013 Legislative Summary. Adopt an oppose position on AB 5.

Analysis

A summary of state and federal legislation and its status is attached. Board members should note that staff recommends **an oppose position on AB 5 (Ammiano)**.

AB 5 would enact the Homeless Person's Bill of Rights and Fairness Act. The bill would establish a number of rights for every person in the state, including those who are considered homeless including the right to move freely in the same manner as any other person in public spaces, including, but not limited to, plazas, parking lots, public sidewalks, public parks, public transportation, public streets, and public buildings, in the same manner as any other person, and without discrimination by law enforcement, public or private security personnel, and the right to rest and sleep in public spaces without being subject to criminal or civil sanctions, harassment, or arrest by law enforcement, public or private security personnel as long as such rest does not maliciously or substantially obstruct a passageway. The purpose of the bill is to protect people without homes from violations of their basic human rights and the people who serve them from penalties and includes public transportation in its definition of public space. The bill would mean that the homeless could freely loiter or sleep in a Foothill Transit parking structure or sleep on a Foothill Transit bus stop bench without any legal remedy.

On May 14, Governor Jerry Brown released his May Revision to the 2013-14 Budget. The Revise reports that approximately 13 percent of annual state transportation revenue will continue to be dedicated to offsetting debt service costs, which are expected to grow to over \$1 billion in 2013-14. The Revise does not contain substantial changes for transit. It does include the following transportation elements:

- Reduces Capital Outlay Support staffing by \$36.3 million (including a reduction of 184 Caltrans positions in engineering, design, and construction oversight) to reflect reduced workload from the wind-down of Proposition 1B and the American Recovery and Reinvestment Act (ARRA) funds for transportation projects
- Expands the Caltrans Zero-Based Budgeting effort to Equipment and Stormwater programs
- Increases \$18.6 million for AMTRAK operating expenses to reflect the federal requirement that short distance service become entirely state supported

The Revise includes a \$500 million loan to the General Fund from Cap and Trade funds. The Governor's January budget identified \$500 million for General Fund relief, but did not specify that this would be a loan. The Governor contends that loaning these proceeds will not interfere

with the objectives of the three-year investment plan or AB 32 because it is short-term and the monies will be repaid with interest when necessary to meet the needs of the Fund. However, it is unclear when the loan will be repaid. The Revise proposes to delay any additional appropriations of Cap and Trade funding until the January 2014-15 Budget.

The Department of Finance and Air Resources Board have just released the final Cap and Trade Investment Plan for FY 2013-14 through 2015-16, which will now be submitted to the Legislature. Similar to the draft plan released last month, the Plan prioritizes Sustainable Communities & Clean Transportation, including:

- Sustainable Communities Strategies Implementation, such as: rail modernization and system integration (including high speed rail); public transit with connectivity to rail; expanded transit and ridership programs; infrastructure; livable communities and transit-oriented development active transportation
- Development and implementation of plans for Sustainable Communities Strategies (SCS)
- Low-carbon freight equipment and zero-emission passenger transportation; plus necessary fueling/charging infrastructure

On the federal front, President Obama nominated Charlotte, North Carolina Mayor Anthony Foxx to replace Ray LaHood as secretary of transportation. Mayor Foxx, the current chair of the Metropolitan Transit Commission, successfully led efforts to advance regional transportation initiatives including breaking ground on the streetcar project and a third runway at Charlotte-Douglas International Airport and securing \$1 billion in funding to extend the LYNX Blue Line to the University of North Carolina at Charlotte. Foxx received a law degree from New York University's School of Law as a Root-Tilden Scholar, the University's prestigious public service scholarship, and earned a bachelor's degree in History from Davidson College. Prior to joining the DesignLine Corp. as Deputy General Counsel in 2009, Foxx was an attorney at Hunton & Williams law firm. He also served as a law clerk for the United States Sixth Circuit Court of Appeals, a trial attorney for the Civil Rights Division of the United States Department of Justice, and staff counsel to the United States House of Representatives Committee on the Judiciary.

Financial Impact

There is no direct impact of the May Budget Revise and AB 5 on the Foothill Transit Budget at this time.

Sincerely,



David Reyno
Director of Government Relations



Doran J. Barnes
Executive Director

2013 Legislation Summary

Current as of 5/15/2013

(Amendments and Bills with updated status or requesting action are indicated in **bold**)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 5	Ammlano	The bill would enact the Homeless Person's Bill of Rights and Fairness Act. The bill would establish a number of rights for every person in the state, including those who are considered homeless including the right to move freely in the same manner as any other person in public spaces, including, but not limited to, plazas, parking lots, public sidewalks, public parks, public transportation, public streets, and public buildings. In the same manner as any other person, and without discrimination by law enforcement, public or private security personnel and the right to rest and sleep in public spaces without being subject to criminal or civil sanctions, harassment, or arrest by law enforcement, public or private security personnel as long as such rest does not maliciously or substantially obstruct a passageway. The purpose of the bill is to protect people without homes from violations of their basic human rights and the people who serve them from penalties and includes public transportation in its definition of public space.	The bill would mean that the homeless could freely loiter or sleep in a Foothill Transit parking structure or sleep on a Foothill Transit bus stop bench without any legal remedy.	Assembly Committee on Appropriations	CTA - Oppose	Oppose
AB 8	Perea/Skinner	Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission to provide, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that would transform California's fuel and vehicle types to help attain the state's climate change goals. AB 8 and SB 11 extends alternative fuel incentive programs including the Carl Meyer and AB 118 programs. These programs, which have been funded by lire fees, DMV registration fees, smog abatement fees, and vehicle plate fees, have provided funds for various projects to increase the usage of alternative fuels and help with the expansion of alternative fuel infrastructure.	The bill's passage would mean funds will continue to be available to assist Foothill Transit and other state transit agencies financially with fleets of natural gas vehicles and the infrastructure needed to maintain them.	Assembly Committee on Natural Resources	CTA - Support	Support Position Adopted 2/22/2013
AB 574	Lowenthal	The bill establishes a program to fund sustainable communities strategies (developed pursuant to SB 375) as well as equivalent greenhouse gas (GHG) reducing strategies in rural areas, using cap and trade auction proceeds. The bill provides a statutory framework for implementing the sustainable communities allocations from cap and trade revenues, including key elements such as a per capita distribution of funds to California's regions, a competitive grant program guided by state policy objectives aligning with regional GHG reduction, and a performance-based approach to maximize investments. Additionally, the bill specifically includes funding for transit operations, maintenance, and infrastructure among the eligible investments for the funds.	This bill would provide a mechanism for which the transit industry and Foothill Transit would receive its fair share of the cap and trade auction proceeds.	Assembly Committee on Appropriations	CTA - Support	Support Position Adopted 4/26/2013

2013 Legislation Summary

Current as of 5/15/2013

(Amendments and Bills with updated status or requesting action are indicated in **bold**)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 1257	Bocanegra	The bill will establish the State Energy Resources Conservation and Development Commission (Energy Commission) to thoughtfully evaluate and recommend the right natural gas strategies to further reduce greenhouse gas emissions and cultivate a robust clean energy economy. A declaration would be made with the passage of this legislation that there will be a state policy to reduce greenhouse gas emissions and that an efficient and effective strategy for the use of natural gas has potential for helping to meet these objectives. The Committee will develop strategies to maximize the benefits obtained from natural gas as an energy source. The Energy Commission will review many uses for natural gas, specifically the Commission will identify methods to increase the development of natural gas refueling infrastructure for transportation and protect against system capacity constraints.	The bill's passage will create an Energy Commission that will increase government participation in the creation and maintenance of a natural gas policy for the state.	Assembly Committee on Appropriations		Support Position Adopted 3/29/2013
SB 11	Pavley/Rubio	Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission to provide, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that would transform California's fuel and vehicle types to help attain the state's climate change goals. AB 8 and SB 11 extends alternative fuel incentive programs including the Carl Meyer and AB 118 programs. These programs, which have been funded by tire fees, DMV registration fees, smog abatement fees, and vehicle plate fees, have provided funds for various projects to increase the usage of alternative fuels and help with the expansion of alternative fuel infrastructure.	The bill's passage would mean funds will continue to be available to assist Foothill Transit and other state transit agencies financially with fleets of natural gas vehicles and the infrastructure needed to maintain them.	Senate Committee on Appropriations	CTA - Support	Support Position Adopted 2/22/2013
SCA 4	Liu	Existing law under the California Constitution requires the approval of 2/3 of the voters of the city, county, or special district voting on any new or increase of an existing tax. SCA 4 and SCA 8 would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition.	The new voter approval threshold could lead to more transportation and transit money and mean additional funding for Foothill Transit.	Senate Committee on Governance & Finance	CTA - Support	Support Position Adopted 2/22/2013
SCA 8	Corbett	Existing law under the California Constitution requires the approval of 2/3 of the voters of the city, county, or special district voting on any new or increase of an existing tax. SCA 4 and SCA 8 would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition.	The new voter approval threshold could lead to more transportation and transit money and mean additional funding for Foothill Transit.	Senate Committee on Governance & Finance	CTA - Support	Support Position Adopted 2/22/2013